



July 3, 2002

To: Assistant Commission Patents	oner for From: Estella Pineiro Executive Patent Secretary 818/493-2251
Attention: Office of Petitic	ns ST. JUDE MEDICAL CRMD 15900 Valley View Court Sylmar, California 91392-9221
Telecopier: 703/308-6916	Telecopier: 818/362-4795
RE: PETITION TO COMM TO ACCORD FILING Applic. No. 10/092,699 Filed: 03/06/200 Docket No. A02P102	DATE 8 (including cover page)

PLEASE DELIVER TO NANCY JOHNSON AS SOON AS POSSIBLE.

JUL 0 3 2002

**PETITIONS OFFICE** 

## **PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joseph J. Florio et al.

Serial No.: 10/092,695

Art Unit: Not assigned.

Filed:

03/06/2002

Examiner: Not assigned.

For:

METHOD AND APPARATUS FOR USING

A REST MODE INDICATOR TO

AUTOMATICALLY ADJUST CONTROL PARAMETERS

OF AN IMPLANTABLE CARDIAC STIMULATION DEVICE

**FAX RECEIVED** 

JUL 0 3 2002

PETITIONS OFFICE

Docket No.: A02P1020US01

# PETITION TO COMMISSIONER TO ACCORD FILING DATE UNDER 37 CFR 1.10

BOX DAC
Assistant Commissioner
for Patents
Washington, D.C. 20231
Sir:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on:

Applicants respectfully petition the Commissioner to accord the above-identified patent application the filing date of March 6, 2002 in light of the remarks below.

Please deduct any applicable fees from Deposit Account No. 16-0068.

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## **REMARKS**

It is noted that the filing date of the application was inadvertenly logged in by the PTO as 03/08/2002. Attached as evidence, is a copy of the Postal Tracking Service 'track and confirm' shipment history for Express Mail No. EL758671539US, showing that the package was en route on March 6, 2002 and therefore our "date-in" of our correspondence should be our filing date of March 6, 2002.

Also provided are copies of the Application Transmittal and the return postcard showing that Express Mail No. EL758671539US was placed on papers submitted with this application.

Respectfully submitted,

Date

Pacesetter, Inc. 15900 Valley View Court Sylmar, CA 91392-9221 818/493-2200 818/362-4795 (fax) Derrick Reed, Reg. No. 40,138 Patent Attorney for Applicants



PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.:

A02P1020US01

EXPRESS MAIL NO. EL758671539US

Inventor(s):

Joseph J. Florio; Gene A. Bornzin; Peter Boileau; Eric Falkenberg;

and Janice Barstad

Title: METHOD AND APPARATUS FOR USING A REST MODE

INDICATOR TO AUTOMATICALLY ADJUST CONTROL

PARAMETERS OF AN IMPLANTABLE CARDIAC STIMULATION DEVICE

**BOX PATENT APPLICATION FEE** 

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Dear Sir:

Submi	tted herewith for filing are the following documents:	
<u>X_</u>	3 page(s) DATA SHEET	

\_37\_\_ page(s) application including \_31\_ pages specification; \_5\_ pages claims, and X

\_1\_ page abstract 6 Sheet(s) of Drawings

Formal xx Informal

Declaration

**FAX RECEIVED Assignment** 

Recordation Form Cover Sheet Power of Attorney by Assignee... Information Disclosure Statement

JUL 0 3 2002

PTO-1449 and references

PETITIONS OFFICE

Return Postcard

ITEM		NO. OF CLAIM	IS FILED	NO. OF ADDITIONAL CLAIMS FILED	LG ENTITY FEE	\$ AMOUNT	\$ FEE
A٠	TOTAL CLAIMS FEE	16	- 20 =	0	X \$18	\$0	<b>s</b> 0
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٤	BASIC FILING FEETLARGE	NTITY = \$740					740
F	TOTAL FILING FEE	** (ADD TOTALS	FOR LINES C	. D. AND E)			\$ 740*

X

Charge Deposit Account No. 16-0068

the amount of

\$740

A copy of this letter is enclosed.



#### PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

- The Commissioner is hereby authorized to charge payment of the following fees X associated with this communication or credit any overpayment to Deposit Account No. 16-0068
  - Any additional filing fees required under 37 CFR 1.16. X
  - Any patent application processing fees under 37 CFR 1.17.
- The Commissioner is hereby authorized to charge payment of the following fees during <u>X\_</u> the pendency of this application or credit any overpayment to Deposit Account No. 16-0068
  - $\frac{\mathsf{X}}{\mathsf{X}}$ Any patent application processing fees under 37 CFR 1.17.
  - Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Date:

Derrick Reed, Attorney for Applicants

Reg. No. 40,138

## Correspondence Address:

PACESETTER, INC. 15900 Valley View Court Sylmar, CA 91392-9221 818/493-2200 818/362-4795 (fax)

> I hereby certify that this New Application is being deposited with the United States Postal Service as "Express Mail" mailing label number EL758671539US in an envelope as "Express Mail Post Office to Addressee" addressed to: **BOX PATENT APPLICATION FEE Assistant Commissioner for Patents** Washington, D.C. 20231, on:

> > March 6, 2002

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